

1 LAW OFFICES OF BARRY LEVINSON
2 BARRY LEVINSON, ESQ.
3 Nevada Bar No.: 006721
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5 Las Vegas, Nevada 89146
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7 Attorney for Debtor

E-FILED: 3/10/10

5 UNITED STATES BANKRUPTCY COURT
6

7 DISTRICT OF NEVADA

8 In re:
9
10 AEROTECH SERVICES INC.

In Bankruptcy
Number: 10-13368-LBR
Chapter 11

**APPLICATION TO EMPLOY
ATTORNEY UNDER
GENERAL RETAINER**

Hearing Date: 4/12/10
Hearing Time: 1:30 Pm
Courtroom: 1

15 Debtor in possession, AEROTECH SERVICES INC., hereby applies to this Court for an
16 order approving the Application to Employ BARRY LEVINSON, ESQ., under General Retainer
17 (“Applicant”). The Application is brought pursuant to U.S.C. 327, Federal Rule of Bankruptcy
18 Procedures 2014 and Section 2.1 of the Guidelines of the U.S. Department of Justice, Office of the
19 U.S. Trustee - Northern and Eastern District of California and Nevada (“Guidelines”).
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21 I.

22 **FEDERAL RULE OF BANKRUPTCY PROCEDURE 2014 - COMPLIANCE**

23 Pursuant to Federal Rule of Bankruptcy Procedures 2014 and 2.1 of the Guidelines, a copy of
24 this Application, the accompanying Verified Statement of Professional in Support of the Application,
25 and the Order Approving the Application was served upon the U.S. Trustee prior to being filed with
26 the Bankruptcy Court. A Representative of the U.S. Trustee’s office has either the order lodged
27 concurrent with the filing of this Application or a period of five (5) days has lapsed since the

1 Application was served upon the U.S. Trustee, with no response having been received from the U.S.
2 Trustee.

3 **II.**

4 **PROFESSIONAL PERSONS TO BE EMPLOYED - STATEMENT RE:**
5 **DISINTERESTED PERSONS**

6 Applicant seeks authority to employ BARRY LEVINSON, ESQ., in the above-captioned
7 bankruptcy proceeding. Fed. R. Bankr. P. 2014(a). To the best of Applicant's knowledge, Barry
8 Levinson, Esq. does not hold or represent any interest adverse to the Bankruptcy Estate, and Barry
9 Levinson, Esq. is a disinterested party provided for in Bankruptcy Code 101(14) and 327(a). 11
10 U.S.C. 101(14), 327(a).
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12 **III.**

13 **STATEMENT OF NECESSITY FOR EMPLOYMENT OF PROFESSIONAL PERSONS**
14 **AND SCOPE OF PROFESSIONAL SERVICES TO BE RENDERED**

15 Applicant seeks to employ BARRY LEVINSON, ESQ., because Applicant requires
16 professional assistance in carrying out the duties imposed upon a debtor-in-possession by the
17 Bankruptcy Code and because a non-individual such as Applicant is required by Local Rule and
18 Federal Law to be represented by counsel before this Court. Fed. R. Bankr. P. 2014(a) Guidelines
19 2.1.1; Local Rule 9010. The scope of services to be rendered by BARRY LEVINSON, ESQ.,
20 includes, but is not limited to;

22 A. Assisting the Debtor in evaluating assets and preparing the schedules and statements any
23 required amendments thereto;

25 B. Assisting the Debtor in preparing for the Meeting of Creditors required by 11 U.S.C.
26 341(a) and gathering and evaluating any and all documents necessary for such meeting;

27 C. Institution, prosecution and/or defense of any lawsuits, adversary proceedings, and/or
28 contested matters arising out of the bankruptcy proceeding in which Applicant may be a party;

1 D. Assisting in recovery of estate assets (including filing motions or adverse proceedings
2 where necessary), and assisting in protecting and preserving assets when appropriate;
3 E. Assisting in determining priorities and status of claims and in filing objections to claims,
4 where necessary;
5 F. Preparing a disclosure statement and plan;
6 G. Applying for the employment of additional professionals that may become necessary; and
7 H. Advising Applicant and performing other legal services for the Applicant, which may be
8 necessary in this bankruptcy proceeding. Fed. R. Bankr. 2014(a) Guidelines 2.1.4.

10 **IV.**

11 **STATEMENT OF REASONS FOR SELECTION OF PROFESSIONALS**

12 Applicant has selected BARRY LEVINSON, ESQ., because BARRY LEVINSON, ESQ.,
13 has considerable experience in the representation of debtors-in-possession in Chapters of Bankruptcy
14 and because Applicants believe that BARRY LEVINSON, ESQ., is well qualified to represent
15 Applicant in this case. Applicant therefore believes that the employment of BARRY LEVINSON,
16 ESQ., would be in the best interests of the estate. Fed. R. Bankr. 2014(a).

18 **V.**

19 **STATEMENT RE: TERMS OF EMPLOYMENT AND PROPOSED
20 ARRANGEMENT FOR COMPENSATION**

21 Disclosure of Amount and Source of Retainer or Advance Received: Counsel received a
22 retainer in the amount of \$10,000.00 on or about February 18, 2010, from the Debtor in the form of
23 U.S. currency. The retainer fee has been used to pay attorney's fees related to the emergency
24 preparation and filing of the Debtor's petition. These funds will be held in trust pending allowance of
25 fees by the Court. 11 U.S.C. 329(A); Fed. R. Bankr. P. 2016(a); Guidelines 2.1.2.

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1 Terms and conditions of Employment Agreement:

2 (1) Not exceeding \$300.00 per hour for attorneys;
3 (2) Not exceeding \$150.00 per hour for law clerks; and
4 (3) Not exceeding \$100.00 per hour for paralegals.

5 Other charges that may be considered in a application for compensation include, but are not
6 limited to:

7 (1) Messenger service;
8 (2) Postage and delivery;
9 (3) Process service and investigator charges;
10 (4) Copy charges;
11 (5) Computer research and word processing charges;
12 (6) Telephone and facsimile charges;
13 (7) Travel expenses; and
14 (8) Miscellaneous charges and expenses necessarily incurred in connection
15 with the scope of services to be performed. Guidelines 2.1.2.

16 **VI.**

17 **STATEMENT RE: PAYMENTS MADE AND SHARING OF COMPENSATION**

18 To the best of Applicant's knowledge, except for the matters described above, no payments
19 have been made or promised to be paid to Barry Levinson, Esq., for services rendered or to be
20 rendered in connection with this case, and no agreement or understanding exists between Barry
21 Levinson, Esq. and any other party or entity for the sharing of compensation to be rendered in
22 connection with this case. Fed. R. Bankr. P.2016(a); Guidelines 1.2.1. and 2.1.4.

23 **VII.**

24 **STATEMENT RE: PRE-PETITION SERVICES**

25 BARRY LEVINSON, ESQ., was not retained to perform pre-petition services, except those
26 necessary to assist Applicant in analyzing strategy pertaining to its potential bankruptcy filing and to
27 prepare the Debtor's bankruptcy petition and other documents. Guidelines 2.1.3.

28 ...

1 WHEREFORE, the Debtor herein prays that the employment of BARRY LEVINSON, ESQ.,
2 as set forth above to represent the Debtor, be approved by this Court.

3 Dated this 10th of March 2010.

4 Submitted by:

5 /s/ BARRY LEVINSON, ESQ.
6 BARRY LEVINSON, ESQ.
7 Nevada Bar No. 006721
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8 2810 South Rainbow Boulevard
Las Vegas, Nevada 89146

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